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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,243	09/27/2001	Gary G. McGrath	010291	5164
23696	7590	03/25/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/966,243

Applicant(s)

MCGRATH, GARY G.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☒ Claim(s) 35 and 66-72 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 35 and 66-72 objected to because of the following informalities: they all include the word "manger" which appears to just be a misspelling of the word manager. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-12, 14-18, 20, 22-26, 29-41, 52-62, 64, and 66-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens.
4. Regarding claims 1, 22, 35, and 66-76, Stevens teaches a system for logging data in a network including a data client and a data manager with means for:
  - a. Sending a command from the data client to the data manager over a network connection (page 12).
  - b. Processing the command by the data manager (page 12).
  - c. Sending a response to the command from the data manager to the data client (page 12).

Please note that some of the independent claims refer to only the client, some refer only to the manager (server), and some refer to both. The reference anticipates all the independent claims and the rejection above encompasses all the limitations of all

the independent claims. Also note that a digital signal processor and memory are inherent in the server implementation.

5. Regarding claims 2, 23 and 36, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to keep the network connection alive (pages 332-333).

6. Regarding claims 3, 24, and 37, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to keep the network connection closed (page 233).

7. Regarding claims 4, 25, 38, and 39, Stevens teaches all the limitations as applied to claims 1, 22, 35, and 35, respectively. He further teaches means wherein the command is to provide a list of data types (page 34, figure 3.1, TOS).

8. Regarding claims 5, 26, 40, and 41, Stevens teaches all the limitations as applied to claims 1, 22, 35, and 35, respectively. He further teaches means wherein the command is for information on a version of a protocol (page 34, figure 3.1, 4-bit version).

9. Regarding claims 8, 29, and 52, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is for providing a buffered data (page 12, page 34, figure 3.1, data).

10. Regarding claims 9, 30, and 53, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to stop logging data (page 233).

11. Regarding claims 10, 31, and 54, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to start logging data (pages 332-333).

12. Regarding claims 11, 32, and 55, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to provide status of the data manager (page 469).

13. Regarding claims 12 and 56, Stevens teaches all the limitations as applied to claims 11 and 55, respectively. He further teaches means wherein the providing the status includes providing an address of the data manager in the network (page 469; page 34, figure 3.1, IP Source Address).

14. Regarding claims 14 and 58, Stevens teaches all the limitations as applied to claims 11 and 55. He further teaches means wherein the providing the status includes providing a data delivery type (page 34, figure 3.1, TOS).

15. Regarding claims 15 and 59, Stevens teaches all the limitations as applied to claims 14 and 58, respectively. He further teaches means wherein the data delivery type includes streamed data delivery type (page 34, figure 3.1, TOS).

16. Regarding claims 16 and 60, Stevens teaches all the limitations as applied to claims 14 and 58, respectively. He further teaches means wherein the data delivery type includes buffered data delivery type (page 34, figure 3.1, TOS).

17. Regarding claims 17, 33, and 61, Stevens teaches all the limitations as applied to claims 1, 22, and 35. He further teaches means wherein the command is to provide time in the data manager (page 34, figure 3.1, TTL).

Art Unit: 2153

18. Regarding claims 18, 34, and 62, Stevens teaches all the limitations as applied to claims 1, 22, and 35, respectively. He further teaches means wherein the command is to provide unit information of a data (page 34, figure 3.1, data).

19. Regarding claims 20 and 64, Steven teaches all the limitations as applied to claims 1 and 35, respectively. He further teaches wherein the processor is configured to accept the command (page 12).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 6, 7, 27, 28, and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Galloway et al. (USPN 6,378,004).

22. Regarding claims 6, 27, and 42, although the system disclosed by Stevens (as applied to claims 1, 22, and 35) shows substantial features of the claimed invention, it fails to disclose means wherein the command is to register a new data client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens as evidenced by Galloway et al. (USPN 6,378,004).

In an analogous art, Galloway et al. (USPN 6,378,004) discloses a system for data management processing commands wherein the command is to register a new data client (figure 3, element 50).

Given the teaching of Galloway et al. (USPN 6,378,004), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by employing commands for registering a client. This benefits the system by allowing new clients to begin logging data in the network.

23. Regarding claims 7, 28, and 51, although the system disclosed by Stevens (as applied to claims 1, 22, and 35) shows substantial features of the claimed invention, it fails to disclose means wherein the command is to unregister a data client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens as evidenced by Galloway et al. (USPN 6,378,004).

In an analogous art, Galloway et al. (USPN 6,378,004) discloses a system for data management processing commands wherein the command is to unregister a data client (figure 7; figure 8).

Given the teaching of Galloway et al. (USPN 6,378,004), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by employing commands for unregistering a client. This benefits the system by allowing clients to stop logging data using the data manager.

24. Regarding claim 43, although the system disclosed by Stevens (as applied to claim 42) shows substantial features of the claimed invention, it fails to disclose means for providing a new address for the new client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by allowing for the provision of an address to a new client. This benefits the system by allowing the data manager to integrate an incoming client and control its location (IP address) information.

25. Regarding claim 44, Stevens teaches all the limitations as applied to claim 42. He further teaches means for providing a data type for the new client (page 34, figure 3.1, TOS).

26. Regarding claim 45, Stevens teaches all the limitations as applied to claim 42. He further teaches means for providing a data delivery type for the new client (page 34, figure 3.1, TOS).

27. Regarding claim 46, Stevens teaches all the limitations as applied to claim 45. He further teaches means wherein the data delivery type includes streamed data delivery type (page 34, figure 3.1, TOS, data).

28. Regarding claim 47, Stevens teaches all the limitations as applied to claim 45. He further teaches means wherein the data delivery type includes buffered data delivery type (page 34, figure 3.1, TOS, data).

29. Regarding claim 48, Stevens teaches all the limitations as applied to claim 42. He further teaches means for providing a data format for the new client (page 34, figure 3.1, TOS, data).



30. Regarding claim 49, although the system disclosed by Stevens (as applied to claim 42) shows substantial features of the claimed invention, it fails to disclose means for providing a data-sampling rate for the new client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by providing a data-sampling rate to the new client. This benefits the system by allowing the manager to limit the speed at which clients request data.

31. Regarding claim 50, although the system disclosed by Stevens (as applied to claim 42) shows substantial features of the claimed invention, it fails to disclose means for providing a condition for logging data to the new client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by providing a condition for logging data to the client. This benefits the system by allowing the data manager to predict usage and apply priority levels to different data clients.

32. Claims 13 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Sordi (USPN 6,725,266).

33. Regarding claims 13 and 57, although the system disclosed by Stevens (as applied to claims 11 and 55, respectively) shows substantial features of the claimed invention, it fails to disclose means for indicating availability of the data manager.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens as evidenced by Sordi (USPN 6,725,266).

In an analogous art, Sordi (USPN 6,725,266) discloses a system for data management with means for indicating availability of the data manager (figure 2; abstract; column 2, lines 26-28).

Given the teaching of Sordi (USPN 6,725,266), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by allowing for the indication of availability of the data manager. This benefits the system by allowing clients to determine if the services for logging are in operation at any given time.

34. Claims 19 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Kennelly et al. (USPN 6,754,702).

35. Regarding claims 19 and 63, although the system disclosed by Stevens (as applied to claims 1 and 35) shows substantial features of the claimed invention, it fails to disclose means for indicating an error condition.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens as evidenced by Kennelly et al. (USPN 6,754,702).

In an analogous art, Kennelly et al. (USPN 6,754,702) discloses a system for data management with means for indicating an error condition (column 11, lines 52-65).

Given the teaching of Kennelly et al. (USPN 6,754,702), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by allowing the data manager to indicate an error condition. This benefits the system by allowing clients to know when the data manager will not be performing its functions or when a specific request has been a failure.

36. Claims 21 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Porter et al. (USPN 6,801,617).

37. Regarding claims 21 and 65, although the system disclosed by Stevens (as applied to claims 1 and 35, respectively) shows substantial features of the claimed invention, it fails to disclose means for declining the command.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Stevens as evidenced by Porter et al. (USPN 6,801,617).

In an analogous art, Porter et al. (USPN 6,801,617) discloses a system for data management and responding to commands with means for declining the command (column 7, lines 21-39).

Given the teaching of Porter et al. (USPN 6,801,617), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Stevens by allowing the data manager to decline commands.

Art Unit: 2153

This allows the data manager to prioritize requests and avoid overloading or system slowdowns.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton  
Examiner  
Art Unit 2153

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